

**Special Courts Committee
Judicial Conference of Indiana**

June 17, 2005

Minutes

1. Members present. The following members of the committee were present: Glenn G. Hancock, George B. Hoffman, Robert B. Mrzlack, Joel D. Roberts, Richard L. Tandy, and Peggy L. Quint Lohorn, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Guest. Annette Lopez, Bureau of Motor Vehicles
4. Approval of Minutes. The Committee approved the minutes from the February 11, 2005 meeting.
5. Traffic, Misdemeanor, Small Claims Benchbook. The Committee reviewed all the drafts submitted to the Committee for this meeting. The Committee first reviewed Section 4.08 – Small Claims Litigant’s Manual. Michelle distributed an additional page for the manual that was omitted from the draft previously circulated to the Committee. After reviewing the changes, the Committee approved the revisions to the Small Claims Litigant’s Manual and recommended it be presented to the Board of Directors for their approval. Upon final approval it will then be distributed to the courts.

The Committee then reviewed Section 2.00 – Criminal Procedures and made the following changes to the proposed draft:

- Page 3 (A)(4) – Add “question” between “hear” and “and”
- Page 3 (A)(1) – Michelle was asked to check the statutory language for the first paragraph to be sure it is consistent; Add “or at a reduced cost” after “cost” in the second paragraph
- Page 3 (A)(2) – Add “first scheduled” before “trial” in the third line of this paragraph
- Page 3 (A)(5) – Michelle was asked to check to see if this should read “in your behalf” or “on your behalf”
- Page 4(F)(3) – Remove this item
- Page 4 (F)(4) – Add “or suffer any mental illness to the extent that you are unable to understand these proceedings” to the end of this item
- Michelle was asked to look for dialogue for accepting plea agreement in the Criminal Benchbook or City and Town Manual for possible addition to this section
- Page 4(D) – Delete reference to SSN
- Page 3 – Title – Add “Sample” to the title
- Trial Procedure checklist – Michelle was asked to get the Trial Procedure checklist from the Criminal Benchbook to replace the one in the draft and to be sure the admonishment is consistent with Jury Rule 20 .
- Oath – The first three oaths should already be in the Trial Procedure Checklist and can be removed from this section. Keep oath for interpreters.

The Committee stopped at this section of the draft and will continue this at the next meeting.

The Committee discussed the response from JTAC concerning the Small Claims Forms. Judge Lohorn reported to the Committee that JTAC decided to set up a Committee to work on Small Claims forms after Michelle's inquiry to them regarding whether they had forms for Small Claims for the CMS yet. Judge Lohorn asked if anyone would be interested in working on this Committee. Judge Lohorn agreed to go to these meeting and Mag. Tandy also indicated a willingness to help. The Committee discussed the fact that last year the Committee sent to JTAC several samples of Small Claims forms and Judge Mrzlack indicate that they had worked on this project at JTAC. Judge Lohorn will give the Committee a report at the next meeting and if necessary this Committee will review the forms needed for the Benchbook in order to timely publish this revision.

The Committee plans to finish reviewing the remaining sections for revisions:

- Section 1.00 Traffic & Infractions – Judge Blankenship
- Section 2.00 Criminal Procedures – Judge Lohorn
- Section 4.05 Collection of Judgment –Mag. Meek
- Small Claims forms, if necessary

6. Other business. Annette Lopez, BMV, spoke with the Committee regarding the Court Abstract Transmission System (CATS). She said that currently there are 24 courts on the program and that they have federal grant money to help get the courts on the system. The BMV has been working with JTAC to survey the courts regarding their technological needs. The importance of this project is the need to comply with Federal regulations by Sept. 30, 2005 regarding posting convictions to BMV records within 10 days of conviction date. She also mentioned two other important regulations dealing with CDLs: (1) not masking convictions and (2) no probationary licenses for CDLs only personal vehicles. The Committee discussed the fact that information showing a person has a CDL is not always highlighted. The Committee suggested that the type of license listed on the SR16 and the Probable Cause Affidavit. The Committee also suggested education with Prosecutors regarding deferrals. The Committee also indicated that they would be willing to put these Federal Regulations into the Benchbook so Judges will have them. On a side note, the Committee also requested that the SSN be removed from the Probable Cause Affidavit so it doesn't have to be redacted later.

The Committee received the digests of several bills of interest. Michelle highlighted SB 242 regarding reinstatement fees.

The Committee decided to hold the discussion on Infractions and Probation Conditions until the next meeting.

Michelle reported to the Committee that JTAC was working to put the City and Town Court Manual on-line and has found some of the code cites need to be updated since Title 33 was recodified. The Committee approved of Michelle updating these cites so the publication would be current.

7. Next Meeting. The next meeting will be held on Friday, August 5, 2005 at 11 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman